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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NOV 18 2021

SEAN F. McAVOY, CLERK  
SPOKANE, WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff, 2:21-CR-105-TOR

V.

## Plea Agreement

## CHARLES HENRY REEDY,

Defendant.

Plaintiff, United States of America, by and through Vanessa R. Waldref, United States Attorney for the Eastern District of Washington, and Russell E. Smoot, Assistant United States Attorney for the Eastern District of Washington, and Defendant CHARLES HENRY REEDY, and the Defendant's counsel, Christina Wong, agree to the following Plea Agreement:

1) Guilty Plea and Maximum Statutory Penalties:

The Defendant, CHARLES HENRY REEDY, agrees to enter a plea of guilty to the Indictment filed on August 3, 2021, charging the Defendant with Escape from Custody, in violation of 18 U.S.C. §§ 751(a), 4082(a). The Defendant understands that the charge contained in the Indictment is a Class D Felony. The Defendant also understands that the maximum statutory penalty for this offense is not more than a 5-year term of imprisonment; a fine not to exceed \$250,000; not more than a 3-year term of supervised release; and a \$100 special penalty assessment.

1       The Defendant understands that a violation of a condition of supervised release  
2 carries an additional penalty of re-imprisonment for up to 2 years maximum, pursuant to  
3 18 U.S.C. § 3583(e)(3), without credit for time previously served on post-release  
4 supervision.

5       2) The Court is Not a Party to the Agreement:

6       The Court is not a party to this Plea Agreement and may accept or reject this Plea  
7 Agreement. Sentencing is a matter that is solely within the discretion of the Court. The  
8 Defendant understands that the Court is under no obligation to accept any  
9 recommendations made by the United States and/or by the Defendant; that the Court will  
10 obtain an independent report and sentencing recommendation from the U.S. Probation  
11 Office; and that the Court may, in its discretion, impose any sentence it deems  
12 appropriate up to the statutory maximums stated in this Plea Agreement.

13      The Defendant acknowledges that no promises of any type have been made to him  
14 with respect to the sentence the Court will impose in this matter. The Defendant  
15 understands that the Court is required to consider the applicable sentencing guideline  
16 range but may depart or vary upward or downward under the appropriate circumstances.

17      The Defendant also understands that should the sentencing judge decide not to  
18 accept any of the parties' recommendations, that decision is not a basis for withdrawing  
19 from this Plea Agreement or a basis for withdrawing this plea of guilty.

20       3) Waiver of Constitutional Rights:

21      The Defendant understands that by entering this plea of guilty the Defendant is  
22 knowingly and voluntarily waiving certain constitutional rights, including:

23           a) The right to a jury trial;  
24           b) The right to see, hear and question the witnesses;  
25           c) The right to remain silent at trial;  
26           d) The right to testify at trial; and  
27           e) The right to compel witnesses to testify.  
28

1        While the Defendant is waiving certain constitutional rights, the Defendant  
2 understands the Defendant retains the right to be assisted through the sentencing and any  
3 direct appeal of the conviction and sentence by an attorney, who will be appointed at no  
4 cost if the Defendant cannot afford to hire an attorney. The Defendant also  
5 acknowledges that any pretrial motions currently pending before the Court are waived.

6        4) Elements of the Offense:

7        The United States and the Defendant agree that in order to convict the Defendant  
8 of Escape from Custody, in violation of 18 U.S.C. §§ 751(a), 4082(a), the United States  
9 would have to prove beyond a reasonable doubt the following elements:

10        *First*, on or about April 22, 2021, in the Eastern District of Washington, the  
11 Defendant was in the custody of a Residential Re-Entry Center (“RRC”), an  
12 institutional facility in which he was lawfully confined at the direction of  
13 the Attorney General;

14        *Second*, the Defendant was in custody at the RRC by virtue of a Judgment  
15 and Commitment Order of the United States District Court for the Eastern  
16 District of Washington upon the Defendant’s conviction for the commission  
17 of Escape from Custody, in violation of 18 U.S.C. §§ 751(a), 4082(a); and

18        *Third*, on or about April 22, 2021, the Defendant knowingly and voluntarily  
19 left the custody of the RRC without permission.

20        5) Factual Basis and Statement of Facts:

21        The United States and the Defendant stipulate and agree that the following facts  
22 are accurate; that the United States could prove these facts beyond a reasonable doubt at  
23 trial; and these facts constitute an adequate factual basis for the Defendant’s guilty plea.  
24 This statement of facts does not preclude either party from presenting and arguing, for  
25 sentencing purposes, additional facts which are relevant to the guideline computation or  
26 sentencing, unless otherwise prohibited in this agreement.

27        On April 22, 2021, inmate CHARLES HENRY REEDY escaped from custody at  
28 a Residential Re-Entry Center (“RRC”) facility. At the time of REEDY’s escape, the

1 RRC was designated by the Federal Bureau of Prisons (“BOP”). REEDY had  
2 previously been sentenced to 15 months in the custody of BOP after sustaining a  
3 criminal conviction for a prior Escape from Custody, in case No. 2:19-CR-00181-TOR-  
4 1, in the Eastern District of Washington. By April 22, 2021, REEDY had been  
5 transferred to the Spokane Residential Re-Entry Center (“SRRC”), which is located in  
6 the Eastern District of Washington, for completion of his custody term with BOP.

7 Specifically, on April 22, 2021, REEDY signed out of the SRRC on an approved  
8 pass to go to work. He was due back to the SRRC at 7:45 pm. After he was due back to  
9 the SRRC, staff at the SRRC realized that he had not returned to the SRRC. They  
10 attempted to contact him or locate him at the county jail and local hospitals. The SRRC  
11 was, however, unsuccessful in locating REEDY. Staff at the SRRC placed REEDY on  
12 “escape status” and reported his escape to the United States Marshal’s Service  
13 (“USMS”). A federal judge issued an arrest warrant for REEDY, and the USMS began  
14 the process of locating REEDY, which included notifying other law enforcement  
15 agencies that he had escaped and had an outstanding arrest warrant.

16 On June 15, 2021, law enforcement officers with the Yakima County Sheriff’s  
17 Office arrested REEDY.

18 6) United States Sentencing Guideline Calculations:

19 The Defendant understands and acknowledges that the United States Sentencing  
20 Guidelines (hereinafter “USSG”) are applicable to this case and that the Court will  
21 determine his applicable sentencing guideline range at the time of sentencing.

22 a) Base Offense Level:

23 The United States and the Defendant agree that the base offense level for Escape  
24 from Custody, where, as here, the Defendant’s confinement is by virtue of a conviction,  
25 is 13. See USSG §2P1.1(a)(1).

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1                   b)     Specific Offense Characteristics:

2                 The United States and the Defendant also agree and stipulate that the base offense  
3 is decreased by 4 levels because the Defendant escaped from the non-secure custody of a  
4 community corrections center or similar facility. *See USSG §2P1.1(b)(3).*

5                   c)     Guideline Adjustments:

6                 Other than what is stated above under “Base Offense Level” and “Specific  
7 Offense Characteristics,” the United States and the Defendant have no further  
8 agreements concerning the application of adjustments to the advisory guideline range;  
9 the United States and the Defendant may each advocate for or against the application of  
10 any other adjustments to the advisory guideline range.

11                  d)     Acceptance of Responsibility:

12                 If the Defendant pleads guilty and demonstrates a recognition and an affirmative  
13 acceptance of personal responsibility for the criminal conduct; provides complete and  
14 accurate information during the sentencing process; does not commit any obstructive  
15 conduct; accepts this Plea Agreement; and enters a plea of guilty no later than November  
16 18, 2021, the United States will recommend that the Defendant receive a two (2) level  
17 downward adjustment in the offense level for the Defendant’s timely acceptance of  
18 responsibility, pursuant to USSG §3E1.1(a).

19                 The Defendant and the United States agree that the United States may at its option  
20 and upon written notice to the Defendant, not recommend a two (2) level downward  
21 reduction for acceptance of responsibility if, prior to the imposition of sentence, the  
22 Defendant is charged or convicted of any criminal offense whatsoever or if the  
23 Defendant tests positive for any controlled substance.

24                  e)     Criminal History:

25                 The United States and the Defendant have made no agreement and make no  
26 representations as to the criminal history category, which shall be determined after the  
27 Presentence Investigative Report is completed.

1           7) Departures and Variances:

2           The Defendant is free to seek downward departures or variances from the advisory  
3 sentencing guideline range determined by the Court. The United States reserves the  
4 right to oppose any requests for downward departures or variances made by the  
5 Defendant.

6           8) Incarceration:

7           The United States agrees to recommend a sentence of the low end of the advisory  
8 guideline range as determined by the Court. Defendant is free to recommend any  
9 reasonable sentence.

10          9) Criminal Fine:

11          The United States and the Defendant agree to recommend the Court impose no  
12 criminal fine.

13          10) Supervised Release:

14          The United States and the Defendant agree to recommend that the Court impose a  
15 3-year term of supervised release to commence from the date of his release and to run  
16 concurrent with the term of supervised release imposed pursuant to his underlying  
17 conviction for Escape from Custody (Case No. 2:19-CR-00181-TOR-1). The United  
18 States and the Defendant further agree to recommend the term of supervised release  
19 include the following special conditions, in addition to the standard conditions of  
20 supervised release:

21           a) that the Defendant participate and complete such drug testing  
22           and drug treatment programs as the Probation Officer directs;  
23           and  
24           b) that the Defendant's person, residence, office, vehicle, and  
25           belongings are subject to search at the direction of the  
26           Probation Officer upon reasonable suspicion.

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2       11) Mandatory Special Penalty Assessment:

3       The Defendant agrees to pay the \$100 mandatory special penalty assessment to  
4 the Clerk of Court for the Eastern District of Washington, at or before sentencing,  
5 pursuant to 18 U.S.C. § 3013 and shall provide a receipt from the Clerk to the United  
6 States before sentencing as proof of this payment.

7       12) Payments While Incarcerated:

8       If the Defendant lacks the financial resources to pay the monetary obligations  
9 imposed by the Court, the Defendant agrees to earn the money to pay toward these  
10 obligations by participating in the Bureau of Prisons' Inmate Financial Responsibility  
11 Program.

12       13) Additional Violations of Law Can Void Plea Agreement:

13       The Defendant and the United States agree that the United States may at its option  
14 and upon written notice to the Defendant, withdraw from this Plea Agreement or modify  
15 its recommendation for sentence if, prior to the imposition of sentence, the Defendant is  
16 charged or convicted of any criminal offense whatsoever or if the Defendant tests  
17 positive for any controlled substance.

18       14) Waiver of Appeal and Collateral Attack Rights:

19       In return for the concessions that the United States has made in this Plea  
20 Agreement, the Defendant agrees to waive the right to appeal his conviction and  
21 sentence if the Court imposes a prison term within the advisory guidelines range  
22 determined by the Court, imposes a term of supervised release of no longer than 3 years  
23 to run concurrently with his current 3-year term of supervised release, waives the  
24 imposition of a fine, and imposes a \$100 penalty assessment. Should the Defendant  
25 successfully move to withdraw from this Plea Agreement or should the Defendant's  
26 conviction be dismissed, set aside, vacated, or reversed, this Plea Agreement shall  
27 become null and void; the United States may move to reinstate all counts of the  
28 Indictment; and the United States may prosecute the Defendant on all available charges.

1 The Defendant also waives any right to collaterally attack this conviction and sentence  
2 under 28 U.S.C. § 2255, or any other collateral attack (except for ineffective assistance  
3 of counsel based on facts discovered after the plea and sentencing). Nothing in this Plea  
4 Agreement shall preclude the United States from opposing any post-conviction motion  
5 for a reduction of sentence or other attack of the conviction or sentence, including, but  
6 not limited to, proceedings pursuant to 28 U.S.C. § 2255 (writ of habeas corpus).

15) Integration Clause:

8        The United States and the Defendant acknowledge that this document constitutes  
9 the entire Plea Agreement between the United States and the Defendant, and no other  
10 promises, agreements, or conditions exist between the United States and the Defendant  
11 concerning the resolution of the case. This Plea Agreement is binding only upon the  
12 United States Attorney's Office for the Eastern District of Washington, and cannot bind  
13 other federal, state, or local authorities. The United States and the Defendant agree that  
14 this agreement cannot be modified except in a writing that is signed by the United States  
15 and the Defendant.

#### Approvals and Signatures

17 Agreed and submitted on behalf of the United States Attorney's Office for the  
18 Eastern District of Washington.

20 | Vanessa R. Waldref  
United States Attorney

Russell E. Smoot  
Assistant U.S. Attorney

Nov. 16, 2021

Date

I have read this Plea Agreement and have carefully reviewed and discussed every part of the agreement with my attorney. I understand and voluntarily enter into this Plea Agreement. Furthermore, I have consulted with my attorney about my rights, I understand those rights, and I am satisfied with the representation of my attorney in this

1 case. No other promises or inducements have been made to me, other than those  
2 contained in this Plea Agreement and no one has threatened or forced me in any way to  
3 enter into this Plea Agreement. I am agreeing to plead guilty because I am guilty.

C

11/18/21

CHARLES HENRY REEDY  
Defendant

Date \_\_\_\_\_

I have read the Plea Agreement and have discussed the contents of the agreement with my client. The Plea Agreement accurately and completely sets forth the entirety of the agreement between the parties. I concur in my client's decision to plead guilty as set forth in the Plea Agreement. There is no legal reason why the Court should not accept the Defendant's plea of guilty.

  
Christina Wong

11/18/21

Christina Wong  
Attorney for the Defendant